Gc
929.7204
Y84o
1279874

M.L

GENEALOGY COLLECTION

ALLEN COUNTY PUBLIC LIBRARY
3 1833 00824 5372

ORDER OF PRECEDENCE,

WITH

AUTHORITIES AND REMARKS.

Sir C. G. Young

M.DCCC.LI.

Gc
929.7204
Y840

1279874

ORDER OF PRECEDENCE.

All titles and dignities, with rank, place, and precedence, ecclesiastical, civil, and military, are derived from the Crown as the Fountain of Honour. The most eminent legal authorities concur in stating that the King can create what titles he thinks proper, and confer upon his subjects such rank, place, and precedence, as he may think fit. That power is still inherent in the Sovereign when not restricted by any statutory enactments of the legislature, by which the Crown is bound as an assenting party.

Under the head of Nobility and Commonalty may be said to be included all orders of men composing the civil state of society, and the rank and precedence assigned to the various classes comprised in it, emanate from the Sovereign's will and pleasure. It was not until the 31st year of the reign of King Henry VIII., that any statutory enactment took place, when that King assented to the "Act for placing the Lords," wherein it is expressly declared, that, although it appertained unto his prerogative royal to give such honour, reputation, and placing to his Counsellors, and others his subjects, as should be seeming to his most excellent wisdom, he was, nevertheless, pleased and contented for an order to be had and taken in his most high Court of Parliament, that it should be enacted, &c., as in the Act is declared, respecting

the placing of the Great Officers and Lords in manner therein provided for.

Although this Act refers more particularly to the placing the Lords in Parliament and Conferences of Council, yet it has been held to confer a precedency on the Great Officers and Lords Spiritual and Temporal, which has been generally observed upon all public occasions out of Parliament; and to the extent only therein prescribed, has been considered as restraining the Royal Prerogative in regard to Precedence.

The earliest Tables of Precedence of authentic character, by which the Nobility and Commonalty were regulated previous to the passing of the Statute of the 31st Hen. VIII., are five, described as follows, viz.:—

I.—The Order of all Estates of Nobles and Gentry of England, set forth the 8th of October, in the year of our Lord God, 1399.

II.—The Order of all States of Worship and Gentry of England, as they were ordered by the Lord Protector's Grace, and by the Earl Marshal of England, against the King's Coronation, and set forth by the Herald, Anno D'ni 1431, 10 H. 6.

III.—Orders according to Auncient Statutes, made by John Tiptoft, Earle of Worcester and Constable of England, in the 6 yeare of King Edward y^e^ Fourth (1467), for the placeing of all Estates, as well as in Proceeding before the Prince as in other Assemblyes of Parliament, &c.

IV.—The Order of all Estates set forth by the Noble Lord Anthony Earle Rivers, the 10th of June, a^o^ D'ni 1479, a^o^ 20 E. 4.

V.—Series Ordinum omnium Procerum, Magnatum, et Nobilium, et aliorum quorumcunque infra hoc regnum, tam virorum quam fœminarum, posita et distincta per Nobilissimum Jasperum Ducem Bedford, et alios Nobiles, appunctuatione Domini Regis Henrici VII.

The *first* of these was framed in 1399, towards the close of the reign of King Richard II., who surrendered the Crown on the 29th Sept. in that year, or in the commencement of the reign of King Henry IV. In 1399, John Montacute, Earl of Salisbury, held the office of Marshal of England, in the absence of Thomas Holland, Duke of Surrey, but which office was conferred upon Ralph Nevill, Earl of Westmorland, by King Henry IV. immediately upon his accession, and the date of this order being the 8th of October, it is probable that it was made shortly before the Coronation of King Henry, which took place on the 14th of October.

The *second* table was framed in the 10th of King Henry VI., 1431, under the direction of the Protector, Humphrey Duke of Gloucester, and John Mowbray, Duke of Norfolk, Earl Marshal, against the young King's Coronation.

Both of these tables were made before the creation of the dignity of Viscount.

The *third* table was framed by John Tiptoft, Earl of Worcester, and Constable of England in the 6th of King Edward IV. 1467; the *fourth*, by Anthony Earl Rivers, the Queen's brother, in the 20th Edw. IV. 1469, wherein Viscounts and their wives appear for the first time.

The *fifth* table was framed in the early part or the reign of King Henry VII., and probably upon or soon after his marriage, by Jasper Tudor, Duke of Bedford, and other Nobles by the King's appointment, and is spoken of by Lord Coke as a record of great authority.

The Tables here given comprehend the various classes of the Nobility and Commonalty whose places in the general order of Precedence may now be said to be determined and recognised by the Crown. The notes appended thereto are for the purpose of showing, in every instance, upon what authority such order of Precedence is based. No direct order of the Crown exists for this table of Precedence, *as a whole*, but it rests on various grounds; —some portion being ordered by statutory enactments, some by the authority of the Crown, some by the orders and decisions of the Earls Marshal of England, their Deputies, or the Commissioners appointed from time to time to execute that office, whilst others rest upon ancient and established usage, acted upon and admitted upon various public occasions during several centuries, and, consequently, so sanctioned by the Crown, that they may be said to have acquired the force of law.

The tables, respectively cited in the notes, are those here described, and are the authorities for placing the younger Sons of the various degrees of the Peerage, as well as other persons, and form the basis upon which that precedence is assigned, which is said to rest upon *ancient and established usage.* In all other instances, the particular statutes, orders, declarations, or decrees, will be found to be fully stated.

The notes, in some places, are extended so as to give the substance of the authorities quoted, and thereby save the trouble of numerous references; a few incidental remarks will be found in reference to certain legal functionaries, who, although they

have not any especial rank in the general order of precedence, have, nevertheless, place assigned to them in certain State Ceremonials.

It is to be remarked that there are some Officers of the Court who, in virtue of their offices, may, in certain public proceedings, take place above those of higher dignity than themselves, and that numerous other persons also, in right either of office, professional rank, or connection with the Court, affairs of State, or administration of Justice, have places in Public Ceremonials, which, however, give them no rank in the general order of civil precedence, nor are those persons, in virtue of their offices, found occupying the same places upon all occasions, for their position will be found frequently to vary, much depending upon the nature of the Ceremonial and the will and pleasure of the Sovereign.

CHAS. GEO. YOUNG,
Garter.

February 4th, 1851.

PRECEDENCY OF MEN.

The Numbers are prefixed only for reference to the Authorities and Remarks which follow the Table.

THE SOVEREIGN.

1. His Royal Highness Prince Albert.
2. Prince of Wales.
   King's Younger Sons.
   King's Grandsons.
   King's Brothers.
   King's Uncles.
   King's Brother's or Sister's Sons.
3. His Royal Highness the Prince Leopold (*King of the Belgians*).
4. Archbishop of Canterbury, Primate of all England and Metropolitan.
5. Lord High Chancellor, or Lord Keeper, being a Baron.
6. Archbishop of York, Primate of England.
7. Archbishop of Armagh, Primate of Ireland.
8. Archbishop of Dublin.

9. Lord High Treasurer. (a)	If Barons.
10. Lord President of the Privy Council.	
11. Lord Privy Seal.	
12. Lord Great Chamberlain.	Above all Peers of their own Degree.
13. Lord High Constable. (a)	
14. Earl Marshal.	
15. Lord High Admiral. (a)	
16. Lord Steward of the Household.	
17. Lord Chamberlain of the Household.	

(a) These great officers do not at present exist.

18. Dukes according to their Patents, *viz.* :—
    - *Dukes of England.* (a)
    - *Dukes of Scotland.* (b)
    - *Dukes of Great Britain.* (c)
    - *Dukes of Ireland.* (d)
    - *Dukes of the United Kingdom of Great Britain and Ireland.* (e)
19. Eldest Sons of Dukes of the Blood Royal.
20. Marquesses according to their Patents, *viz.* :—
    - *Marquesses of England.* (a)
    - *Marquesses of Scotland.* (b)
    - *Marquesses of Great Britain.* (c)
    - *Marquesses of Ireland.* (d)
    - *Marquesses of the United Kingdom of Great Britain and Ireland, and Marquesses of Ireland.* (e)
21. Eldest Sons of Dukes.
22. Earls according to their Patents, *viz.* :—
    - *Earls of England.* (a)
    - *Earls of Scotland.* (b)
    - *Earls of Great Britain.* (c)
    - *Earls of Ireland.* (d)
    - *Earls of the United Kingdom of Great Britain and Ireland, and Earls of Ireland.* (e)
23. Younger Sons of Dukes of the Blood Royal.
24. Eldest Sons of Marquesses.
25. Younger Sons of Dukes.
26. Viscounts according to their Patents, *viz.* :—
    - *Viscounts of England.* (a)
    - *Viscounts of Scotland.* (b)
    - *Viscounts of Great Britain.* (c)
    - *Viscounts of Ireland.* (d)
    - *Viscounts of the United Kingdom of Great Britain and Ireland, and Viscounts of Ireland.* (e)

(a) Created before 1707. (b) Created before 1707.
(c) Created between 1707 and 1801.
(d) Created before 1801. (e) Created since 1801.

27. Eldest Sons of Earls.
28. Younger Sons of Marquesses.
29. Bishops of London, Durham, Winchester, and all other English Bishops, according to their seniority of Consecration.

    Bishops of Meath and Kildare, and all other Irish Bishops, according to their seniority of Consecration.
30. Secretary of State, if a Baron.
31. Barons according to their Patents, *viz.*:—

    Barons of England. (a)
    Barons of Scotland. (b)
    Barons of Great Britain. (c)
    Barons of Ireland. (d)
    Barons of the United Kingdom of Great Britain and Ireland, and Barons of Ireland. (e)
32. Speaker of the House of Commons.
33. Commissioners of the Great Seal.
34. Treasurer } of the Household.
35. Comptroller }
36. Master of the Horse.
37. Vice-Chamberlain of the Household.
38. Secretary of State, under the degree of a Baron.
39. Eldest Sons of Viscounts.
40. Younger Sons of Earls.
41. Eldest Sons of Barons.
42. Knights of the Most Noble Order of the Garter.
43. Privy Councillors.
44. Chancellor and Under Treasurer of the Exchequer.
45. Chancellor of the Duchy of Lancaster.
46. Lord Chief Justice of the Queen's Bench.
47. Master of the Rolls.
48. Lord Chief Justice of the Common Pleas.
49. Lord Chief Baron of the Exchequer.
50. Vice-Chancellors.
51. Judges and Barons of the degree of the Coif of the Courts of Queen's Bench, Common Pleas, and Exchequer, according to their seniority; *and Judges of the Court of Review.*

    Commissioners of the Court of Bankruptcy.

52. Knights Bannerets made under the Royal Banner, in open war, the King or Prince of Wales being present.
53. Younger Sons of Viscounts.
54. Younger Sons of Barons.
55. Baronets according to their Patents, *viz.*:—
    Baronets of England. (a)
    Baronets of Scotland. (b)
    Baronets of Great Britain. (c)
    Baronets of Ireland. (d)
    Baronets of the United Kingdom of Great Britain and Ireland. (e)
56. Knights Bannerets not made by the King.
57. Knights Grand Crosses of the Bath.
58. Knights Grand Crosses of St. Michael and St. George.
59. Knights Commanders of the Bath.
60. Knights Commanders of St. Michael and St. George.
61. Knights Bachelors.
62. Companions of the Bath.
63. Companions of St. Michael and St. George.
64. Eldest Sons of the younger Sons of Peers.
65. Eldest Sons of Baronets.
66. Eldest Sons of Knights of the Garter.
67. Eldest Sons of Knights Bannerets.
68. Eldest Sons of Knights Bachelors.
69. Younger Sons of Baronets.
70. Younger Sons of Knights Bachelors.
71. Esquires.
72. Gentlemen.

(a) Created before 1707. (b) Created before 1707.
(c) Created between 1707 and 1801.
(d) Created before 1801. (e) Created since 1801.

PRECEDENCY OF WOMEN.

All Peeresses rank amongst themselves according to the seniority of their husbands in their respective degrees of the Peerage. 1. Those wives of Peers of England created before 1707. 2. Those of Scotland created before 1707. 3. Those of Great Britain created between 1707 and 1801. 4. Those of Ireland created before 1801. 5. Those of the United Kingdom created since 1801, as also those of Ireland created since 1801.

The Numbers refer to the Authorities and Remarks which follow the Table.

THE QUEEN.

* The Princess of Wales.
The King's Daughters.
Wives of the King's Younger Sons.
The King's Grand-daughters.
Wives of the King's Grandsons.
The King's Sisters.
Wives of the King's Brothers.
The King's Aunts.
Wives of the King's Uncles.
The King's (Nieces) Brother's or Sister's Daughters.

73. DUCHESSES in the rank of their Husbands, *viz.* :—
Duchesses of England.
Duchesses of Scotland.
Duchesses of Great Britain.
Duchesses of Ireland.
Duchesses of the United Kingdom of Great Britain and Ireland.

* See note, *Royal Family*, p. 73.

74. Wives of the Eldest Sons of the Dukes of the Blood Royal.

MARCHIONESSES in the rank of their Husbands, *viz.*:—

Marchionesses of England.
Marchionesses of Scotland.
Marchionesses of Great Britain.
Marchionesses of Ireland.
Marchionesses of the United Kingdom of Great Britain and Ireland, and Marchionesses of Ireland.

75. Wives of the Eldest Sons of Dukes.
76. Daughters of Dukes.

COUNTESSES in the rank of their Husbands, *viz.*:—

Countesses of England.
Countesses of Scotland.
Countesses of Great Britain.
Countesses of Ireland.
Countesses of the United Kingdom of Great Britain and Ireland, and Countesses of Ireland.

77. Wives of the Younger Sons of Dukes of the Blood Royal.
78. Wives of the Eldest Sons of Marquesses.
79. Daughters of Marquesses.
80. Wives of the Younger Sons of Dukes.

VISCOUNTESSES in the rank of their Husbands, *viz.*:—

Viscountesses of England.
Viscountesses of Scotland.
Viscountesses of Great Britain.
Viscountesses of Ireland.
Viscountesses of the United Kingdom of Great Britain and Ireland, and Viscountesses of Ireland.

81. Wives of the Eldest Sons of Earls.
82. Daughters of Earls.
83. Wives of the Younger Sons of Marquesses.

Baronesses in the rank of their Husbands, *viz.* :—

Baronesses of England.
Baronesses of Scotland.
Baronesses of Great Britain.
Baronesses of Ireland.
Baronesses of the United Kingdom of Great Britain and Ireland, and Baronesses of Ireland.

84. Wives of the Eldest Sons of Viscounts.
85. Daughters of Viscounts.
86. Wives of the Younger Sons of Earls.
87. Wives of the Eldest Sons of Barons.
88. Daughters of Barons.
89. Wives of Knights of the Garter.
90. Wives of Bannerets made by the King in person.
91. Wives of the Younger Sons of Viscounts.
92. Wives of the Younger Sons of Barons.
93. Wives of Baronets, *viz.* :—

Baronets of England.
Baronets of Scotland.
Baronets of Great Britain.
Baronets of Ireland.
Baronets of the United Kingdom of Great Britain and Ireland.

94. Wives of Bannerets not made by the King in person.
95. Wives of Knights Grand Crosses of the Bath.
96. Wives of Knights Grand Crosses of St. Michael and St. George.
97. Wives of Knights Commanders of the Bath.
98. Wives of Knights Commanders of St. Michael and St. George.
99. Wives of Knights Bachelors.
100. Wives of Companions of the Bath.
101. Wives of Companions of St. Michael and St. George.
102. Wives of the Eldest Sons of the Younger Sons of Peers.

103. Daughters of the Younger Sons of Peers.
104. Wives of the Eldest Sons of Baronets.
105. Daughters of Baronets.
106. Wives of the Eldest Sons of Knights of the Garter.
107. Wives of the Eldest Sons of Knights Bannerets.
108. Wives of the Eldest Sons of Knights Bachelors.
109. Daughters of Knights Bachelors.
110. Wives of the Younger Sons of Baronets.
111. Wives of Esquires.
112. Wives of Gentlemen.

AUTHORITIES AND REMARKS.

The Numbers refer to the corresponding ones in the Table of Precedence.

PRECEDENCY OF MEN.

1. *His Royal Highness Prince Albert.* — By virtue of the Queen's Warrant, 4th March, 1840, declaring that His Royal Highness should thenceforth upon all occasions, and in all meetings, except where otherwise provided by Act of Parliament, have place and precedence next to Her Royal Person.

2. *The Prince of Wales, King's Younger Sons, Grandsons, Brothers, Uncles, Nephews or Brother's or Sister's Sons.*—In conformity with the statute of 31 Hen. VIII., c. 10, anno 1539, intituled "An Act for placing the Lords." This Act was passed for the purpose of assigning places to certain Great Officers of State in virtue of their *Offices*, and placing the Lords in the Parliament Chamber, and by the said Act it is declared that those Great Officers shall have the same places on all trials of treasons by Peers, in the Star Chamber, and in all other Assemblies and Conferences of Council.

This Act, though passed only in reference to the placing the Lords in the Parliament Chamber, and in all other Assemblies and Conferences of Council, has been generally observed as authority for assigning place and precedence to the same persons in Ceremonials of State and ordinary Assemblies out of Parliament.

The Act,—

By Sec. 2, enacts, That no person or persons, of what estate, degree, or condition soever he or they be of (except only the King's children) shall at any time thereafter attempt or presume to sit or have place at any side of the Cloth of Estate in the Parliament Chamber, neither of the one hand of the King's Highness, nor of the other, whether the King's Majesty be there personally present or absent; and assigns to the King's Ecclesiastical Viceregent place on the right side of the Parliament Chamber and

upon the same form as the Archbishop of Canterbury above the said Archbishop ;

By Sec. 3, enacts, That next to the said Vicegerent shall sit the Archbishop of Canterbury, and the next to him on the same form and side shall sit the Archbishop of York, and next to him on the same form and side the Bishop of London, then the Bishop of Durham, and next the Bishop of Winchester, and then all the other Bishops of both Provinces of Canterbury and York shall sit and be placed on the same side after their Ancienties as it hath been accustomed.

By Sec. 4. it is ordained and enacted, That the

Lord Chancellor,
Lord Treasurer,
Lord President of the Council,
Lord Privy Seal,

being of the degree of *Barons* of Parliament or above, shall sit and be placed on the left side of the Parliament Chamber, on the higher part of the form of the same side *above all Dukes except* only such as shall happen to be the King's Son, the King's Brother, the King's Uncle, the King's Nephew, or the King's Brother's or Sister's Sons.

By Sec. 5. it is ordained and enacted, That the

Great Chamberlain of England,
Constable of England,
Marshal of England,
Lord Admiral,
Great Master or Lord Steward of the King's Household,
King's Chamberlain,

shall sit and be placed after the Lord Privy Seal (in the above order), and *above all other personages being of the same estates and degrees that they shall happen to be of.*

By Sec. 6. it is enacted, That the

King's Chief Secretary,

being of the degree of a *Baron*, shall sit and be placed afore and above all Barons not having any of the offices abovementioned ; and if he be a *Bishop*, then he shall sit and be placed above all Bishops not having any of the offices above remembered.

By Sec. 7. it is ordained and enacted, That all Dukes not aforementioned, Marquesses, Earls, Viscounts, and Barons, not having any of the offices aforesaid, shall sit and be placed after their Ancienty as it hath been accustomed.

By Sec. 8. it is enacted, That if the Lord Chancellor, Lord

Treasurer, Lord President of the Council, Lord Privy Seal or Chief Secretary, be under the degree of a Baron of Parliament, by reason whereof they can have no interest to give any assent or dissent in the said House, then they shall be placed at the uppermost part of the Sacks in the midst of the said Parliament Chamber, the one of them above the other, in order as is above rehearsed.

By Sec. 9. it is enacted, That in all trials of Treasons by Peers, if any of the Peers being triers of such Treason, shall happen to have any of the offices aforesaid, they shall sit and be placed according to their offices in manner abovementioned and rehearsed.

By Sec. 10. it is enacted, That as well in all Parliaments, as in the Star Chamber, and in all other assemblies and conferences of Council, the Lord Chancellor, the Lord Treasurer, the Lord President, the Lord Privy Seal, the Great Chamberlain, the Constable, the Marshal, the Lord Admiral, the Grand Master or Lord Steward, the King's Chamberlain, and the King's Chief Secretary, shall sit and be placed in such order and fashion, as is above rehearsed, and not in any other place, by authority of this present Act.

The *Prince of Wales* is not mentioned by *name* in *this* statute but is included amongst "*the King's children*," who, under Sec. 1, are declared to be the only persons who shall sit on any side of the Cloth of Estate, which was considered the highest place of honour and dignity. In the reign of King Charles the First, the Prince of Wales appears to have sat on the left-hand side of the State (Lords' Journals, vol. 4, pp. 44, 49, 50, 82, 83). But King Charles the Second, after the Restoration, desired the seat on the right hand of the Throne to be reserved for the Prince of Wales, and which continues to be the seat of the Prince to the present day.

In the 1 Edw. VI., 1547, however, by Letters Patent under the Great Seal, place and precedence was granted to Edward Duke of Somerset as Protector of the Realm and Governor of the King's person, by placing him upon the midst of the bench or stool, standing next on the right "of our Siege Royal," and in the reign of King Charles the Second (a° 1660), after reference to and a report from a Committee of Privileges of the Lords, the King's brothers, the Dukes of York and Gloucester, were seated on the left hand side of the Cloth of Estate, and subsequently, in the reign of King George the Second, the King's grandson was seated there.

Grandson is not mentioned in the stat. 31 Hen. VIII., but is said by Lord Coke to be intended by the term "*nephew*," in

which case grandsons are named in the Act after the *uncle*. But grandsons, it has since been determined, are included under sons, and therefore the words, "or brother's or sister's sons," following nephew, may be taken merely as explanatory of the term nephew, there being two descriptions of nephew—*viz.* by the brother's and sister's side. In the reign of King George the First, by virtue of a warrant under the Royal Sign Manual, dated 13th December, 1726, Garter was directed to place on the Parliamentary Roll the names of the King's grandsons, Frederick Duke of Edinburgh, and William Duke of Cumberland (Sons of George Prince of Wales, afterwards King George the Second), before that of His Majesty's brother, Ernest Duke of York, thereby giving precedence to the grandsons over the King's brother; and when King George the Second created his grandson, Prince Edward, Duke of York, second Son of Frederick Lewis Prince of Wales, he was, after report from the House of Lords, placed on the left hand of the Cloth of Estate by virtue of the King's Warrant, dated 5th May, 1760.

The places of the King's son, brother, uncle, nephew, or brother's or sister's sons, are not indicated by a direct declaration or enactment, but have been implied from the exception contained in the enacting clause of the 4th Section in relation to the places of certain great officers who are to sit above *all Dukes, except such* (Dukes) as stand related in those degrees to the King.

3. *His Royal Highness Prince Leopold.*—By virtue of a Royal Warrant, dated 3rd May, 1816, issued under the provisions of an Act of Parliament, 56th Geo. III. c. 13, passed 29th March previously to the marriage of His Royal Highness, whereby it was enacted, That when and so soon as the then intended marriage of His Royal Highness with the Princess Charlotte of Wales should have been celebrated, it should be lawful for the King to give to his then Serene Highness during the term of his natural life, such precedence and rank before the Lord Archbishop of Canterbury, the Lord Chancellor, and all other great officers and the Dukes, other than and except the Dukes of the Blood Royal, and all other Peers of the Realm, as His Majesty should deem fit and proper, any law, statute, or custom whatsoever to the contrary notwithstanding.

4. *The Archbishop of Canterbury.*—The Archbishop of Canterbury is not by the statute of 31 Hen. VIII. placed in direct terms

above the Lord Chancellor, nor is the Lord Chancellor placed above the Archbishop of York, who is by the Act to sit next to the Archbishop of Canterbury, the Archbishops being both seated on the right hand side of the Parliament Chamber (by which, however, may be implied a precedence), and the Lord Chancellor on the left. The Archbishop of Canterbury is, however, so placed of dignity, and has, by immemorial usage, precedence of the Lord Chancellor, but the precedence of the Lord Chancellor before the Archbishop of York does not appear to be of an earlier origin than the reign of King Charles the Second.

5. *Lord High Chancellor, or Lord Keeper.*—Statute 31 Hen. VIII. sec. 4. By statute 5 Elizabeth, c. 18, the Keeper of the Great Seal of England for the time being has the like place, authority, pre-eminence and jurisdiction, &c., as the Lord Chancellor of England for the time being. See note 4. The place of the Lord Chancellor, when filled by any one under the degree of a *Baron*, is not defined by the statute, nor are those of the Lord High Treasurer, Lord President, or Lord Privy Seal: but sec. 8. of this statute enacts that when under the degree of a Baron (by reason whereof they can have no interest to give any assent or dissent in the said House), they shall sit and be placed at the uppermost part of the sacks in the midst of the said Parliament Chamber, the one of them above the other, in order as above rehearsed. By sec. 10. it is provided, that in the Star Chamber, and in all other assemblies and conferences of Council, they, with the other great Officers named, shall sit and be placed in such order and fashion as above rehearsed, and *not in any other place.* As Privy Councillors they would have voices in all conferences of Council, and therefore their places in the Council Chamber need not change, although they be under the degree of Barons. Upon this point Mr. Bowyer says,—"It appears to be the better opinion that their rank elsewhere, whether they be under the degree of Barons or no, is the same, excepting in the Parliament Chamber, where they must sit on the woolsacks, unless they be Barons of Parliament. And in the commission for trial of Mary Queen of Scots (a record of great authority), Sir Thomas Bromley, *Knight*, Lord Chancellor, is accordingly named immediately after the Archbishop of Canterbury." *

In Camden's History of Queen Elizabeth, 3rd edit., p. 346, wherein the commission is set forth, the Lord Chancellor is named

* Commentary on the Constitutional Law of England. 8vo. 1841, p. 694.

before the Lord Treasurer (Lord Burleigh), the Marquis of Winchester, a Lord of Parliament, the Earl of Oxford, Lord Great Chamberlain, and the Earl of Shrewsbury, Earl Marshal of England: and it may also be remarked that Sir Nathan Wright, Lord Keeper, went in the place of the Chancellor above the other Great Officers at the Coronation of Queen Anne and also in the Queen's proceeding to St. Paul's in 1702 and 1704.

6. *Archbishop of York.*—Statute 31 Hen. VIII. See note 4.

7. *Archbishop of Armagh.*
8. ——— *of Dublin.*

By statute 39 and 40 Geo. III., cap. 67 (Union Act), art. 4, it is enacted, "That all Lords Spiritual of Ireland should have rank and precedency next and immediately after the Lords Spiritual of the same rank and degree of Great Britain." See under 18.

9. *Lord High Treasurer.*
10. *Lord President.*
11. *Lord Privy Seal.*

Being of the degree of Barons, above all Dukes, by statute 31 Hen. VIII. except such as by sec. 4. are excepted. See note 2.

The precedency of these Officers, if filled by persons *under* the degree of a Baron, is not defined; but they have not for years been held by any one under that degree, except when the office of Privy Seal has been executed by Commissioners, as that of Lord High Treasurer now always is, and the Commissioners have not any rank as such. See note 5.

12. *Lord Great Chamberlain.*
13. *Lord High Constable.*
14. *Earl Marshal.*
15. *Lord High Admiral.*
16. *Lord Steward of the Household.*
17. *Lord Chamberlain of the Household.*

By statute 31 Hen. VIII. these six officers, if Dukes, rank in this order, after the Lord Privy Seal; but if of *other* degrees in the Peerage, their precedence is only above all other personages of the same degree that they shall happen to be of.

In regard to the *Great Chamberlain*,—by statute 1 Geo. I. passed previously to the elevation of Robert Marquis of Lindsey

to the Dukedom of Ancaster, it was enacted, that the said Robert Marquis of Lindsey and the heirs male of his body, and in default of such issue, the heirs male of the body of Robert late Earl of Lindsey by Elizabeth his wife (daughter of Philip Lord Wharton), Great Chamberlain of England, notwithstanding their being Dukes of Great Britain, by virtue of the said intended creation shall have place and precedency among the Dukes of Great Britain only, according to the date of the Letters Patent that should be passed for making such creation, and not as Great Chamberlain of England, except only when he or they shall be in the actual execution of the said Office of Great Chamberlain of England, attending the person of the King or Queen for the time being, or introducing a Peer or Peers into the House of Lords; at which time only he and the heirs male of his body, and in default of such issue, the heirs male of the body of the said Robert late Earl of Lindsey by the said Elizabeth his wife, as Great Chamberlains of England, shall have such place and precedency as he and they should and might have had if this act had not been made; the said statute (31 Hen. VIII.) or any other law, usage, or custom, to the contrary notwithstanding.

The limitations of these Letters Patent of creation failed upon the death of Brownlow Duke of Ancaster without issue in 1809, when the precedence of the office of Great Chamberlain fell again under the operation of the statute of 31 Hen. VIII.

The Lord High Steward is not mentioned in the Act of 31 Hen. VIII., it being intended, as Lord Coke observes, that his office should only endure (*pro hac vice*) for the especial service and occasion for which it was created.

18. *Dukes.*—By statute 31 Hen. VIII., sec. 7, as to Dukes of England—Act of Union of England and Scotland, 5 Anne, c. 8, as to Dukes of Scotland, and Act of Union of Great Britain and Ireland 39 and 40 Geo. III., c. 67, art. 4, for those of Ireland.

By the 23rd of the articles for the Union of England and Scotland, which were confirmed by stat. 5th Anne, cap. 8, all Peers of Scotland, and those successors to their honours and dignities, are declared to be Peers of Great Britain, and to have rank and precedency next after the Peers of the like orders and degrees in England existing at the time of the Union, which commenced the 1st of May 1707, and before all Peers of Great Britain of the like orders and degrees created after the Union.

By Act for the Union of Great Britain and Ireland 39 and

40 Geo. III. cap. 67, it is enacted, Art. 4, "That the Lords of Parliament on the part of Ireland in the House of Lords of the United Kingdom, shall at all times have the same privileges of Parliament which shall belong to the Lords of Parliament on the part of Great Britain; and the Lords Spiritual and Temporal respectively on the part of Ireland, shall at all times have the same rights as the Lords Spiritual and Temporal respectively on the part of Great Britain: and that all Lords Spiritual of Ireland shall have rank and precedency next and immediately after the Lords Spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the Lords Spiritual of Great Britain (the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting on the Trial of Peers excepted); and that the persons holding any Temporal Peerages of Ireland existing at the time of the Union, shall from and after the Union have rank and precedency next and immediately after all the persons holding Peerages of the like orders and degrees in Great Britain subsisting at the time of the Union; and that all Peerages of Ireland created after the Union shall have rank and precedency with the Peerages of the United Kingdom so created according to the dates of their creations; and that all Peerages both of Great Britain and Ireland then subsisting or thereafter to be created, shall in all other respects from the date of the Union be considered as Peerages of the United Kingdom; and that the Peers of Ireland shall, as Peers of the United Kingdom, be sued and tried as Peers except as aforesaid, and shall enjoy all privileges of Peers as fully as the Peers of Great Britain; the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and the right of sitting on the Trial of Peers only excepted."

In neither of these Acts is any provision made for the precedence of *Great Officers* of *Scotland* or *Ireland*, or for the precedence of *Baronets* of *Scotland* or *Ireland*. At the Coronation of King William the Fourth, the Lord Chancellor of Ireland walked next the Lord Chancellor of Great Britain, and above the Lord President and Lord Privy Seal.

By Act 3 and 4 Will. IV., (*The Irish Temporalities Act*) the number of Bishops was diminished and ten Bishopricks in Ireland were united to other Archbishopricks and Bishopricks, and after citing (Sec. 51) the Act of Union of Great Britain and Ireland, by force of which the right of sitting in the House of

Lords of the United Parliaments, as between the Lords Spiritual of Ireland, stands regulated according to a certain rotation appointed to take place from Session to Session, it was enacted—

"That when, and as the then Archiepiscopal Sees of Cashel and Tuam should severally become void, they and each of them respectively should thenceforth cease to be included in the Rotation by the said Acts established amongst the Archiepiscopal Sees, and should be included in the Rotation by the said Acts established to be observed amongst the Episcopal Sees, and therein take place next before the Episcopal See last in the order of Rotation of the Episcopal Sees, the Bishops whereof may have sat in Parliament for the Session last previous; and the Rotation by the said Acts appointed to take place amongst the Archiepiscopal Sees should, in case of each such avoidance as aforesaid, proceed to the Archbishop whose See is next in Rotation to the Archiepiscopal See becoming void as aforesaid."

And it was further enacted (Sec. 52), "That in the case of the Bishoprick of Waterford then void, and in the case of each and singular of the other Bishopricks named in the Schedule to the Act annexed, when and as they should become respectively void or united to any other Bishoprick, the Rotation by the said recited Acts appointed to take place among the Episcopal Sees should proceed to the Bishop whose See is next in rotation to the said See of Waterford, or other See being or becoming void or united to any other Bishoprick as aforesaid; and such See of Waterford, or other See, being or becoming void or united to any other Bishoprick as aforesaid, should for ever thereafter be excluded from and omitted out of such Rotation."

By Sec. 53, it was enacted, "That save as in the said Act specifically provided, the order of Rotation by the said recited Acts established shall remain unchanged, but subject always to the regulation thereby made in case any Spiritual Lord should be a Temporal Peer of the United Kingdom, or being a Temporal Peer of that part of the United Kingdom called Ireland should be chosen by the Lords Temporal to be one of the Representatives of the Lords Temporal."

19. *Eldest Sons of Dukes of the Blood Royal.*—This precedency was assigned to the eldest sons of Dukes of the Blood Royal as early as 1399, where they are so placed, in a Table headed "The Order of all Estates of Nobles and Gentry of England, set forth the VIIIth of October, in the year of our Lord God 1399." *MS. in Coll. Arms.*

20. *Marquesses.*—By statutes cited under 18. This dignity was first created 10 Ric. II., 1386.

21. *Eldest Sons of Dukes.*—Their precedency over Earls is by usage as early as the year 1399, but since the statute of 31 Hen. VIII. any Earl holding either of the four great offices mentioned in Sec. 4. of that statute, has precedence of them. Their precedence amongst themselves as Sons of Dukes is according to the seniority in rank of their fathers.

22. *Earls.*—By statutes cited under 18.

23. *Younger Sons of Dukes of the Blood Royal.*—Series ordinum omnium Procerum, Magnatum, et Nobilium, et aliorum quorumcunque, &c., appunctuatione Domini Regis Henrici VII. —between 1485 and 1495, which Lord Coke (4 Inst. c. 77) calls a record of great authority. *MS. in Coll. Arms.*

24. *Eldest Sons of Marquesses.* — Orders according to ancient statutes made 6 Ed. IV., 1467, for the placing of all Estates, &c. *MS. in Coll. Arms.*

25. *Younger Sons of Dukes.* — This precedency of Dukes' Younger Sons before Viscounts was settled by a decree of the Commissioners for executing the office of Earl Marshal, upon a reference to them from Queen Elizabeth 16th Jan. 1594, on the claim of Anthony Viscount Montague to precede Lord Thomas Howard, Second Son of Thomas Duke of Norfolk ; previously to which the Viscounts had, in the "Order of all Estates" set forth by Earl Rivers 20 Edw. IV., 1479, and in the *Series Ordinum,* temp. Hen. VII. (cited under 19 and 23), the precedence.

26. *Viscounts.*—By statutes cited under 18. The dignity was created only in 18 Hen. VI., 1439.

27. *Earls' Eldest Sons.*—This precedence over the Younger Sons of Marquesses is by usage as early as the Order of Estates, anno 1399, cited under 19 ; and by decision (Chap. Coll. Arms, 1680), if the eldest son of an Earl died in his father's lifetime, leaving a son and heir, such son and heir (during the life of the Earl his grandfather) is entitled to the same place and precedence as was due to his father ; so had the father been summoned to Parliament as the eldest son of a Peer, the grandson would succeed in the dignity even during the grandfather's life.

28. *Younger Sons of Marquesses.*—Order of Estates, anno 1399, cited under 19.

29. *Bishops.*—By statutes 31 Hen. VIII.; 39 and 40 Geo. III. cap. 67. See note under 7 and 8.

By statute 31 Hen. VIII. Sec. 3, the Bishops are placed on the right-hand side of the Parliament Chamber, next to the Archbishop of York; and by Sec. 6, if the King's Chief Secretary be a Bishop not having any of the great offices mentioned in the said Act, he shall sit and be placed above all Bishops not having any of the said offices. Their place, after Viscounts and before Barons in a general order of precedency, is not indicated by this statute.

The precedence of Bishops as Spiritual Lords over Temporal Lords is of ancient standing. Lord Coke says (Inst. IV. 361) they have place above all Barons of the realm, because they hold their Bishopricks of the King "*per Baroniam;*" but as many Temporal Barons also held their lands "*per Baroniam,*" this might not altogether be the reason. They have in all times been the first of the two great divisions of the people, the *Clergy* and the *Laity,* and in all acts, ordinances, and judgments, &c., of Parliament, Lord Coke remarks, it is said the Lords *Spiritual* and *Temporal,* and so continues to the present time.

The Bishops of Ireland by statutes 39 and 40 Geo. III. c. 67, have rank and precedence next and immediately after those of the same rank and degree of Great Britain. (See under 18). In 1812 the Bishops of Meath and Kildare, who precede the other Irish Suffragan Bishops, claimed place and precedence of all the Suffragan Bishops of the Church of England after the Bishop of Winchester, which claim was considered in a Committee of Privileges of the House of Lords, who reported that they were not entitled to the precedency claimed by their petition, in which report the House concurred. Lords' Journals, vol. 48, pp. 801, 926, 937.

30. *Secretary of State*—if a *Baron.*—By statute 31 Hen. VIII. Sec. 6. See under note 2.

A Principal Secretary of State, being a Baron, is placed above all other Peers of his degree, not having any of the great offices before mentioned; but Lord Coke says if he be a Viscount, an Earl, or any other higher degree, he shall not take the place of any Viscount, Earl, or higher degree, as it was resolved in the case of Robert Cecil Earl of Salisbury. (4 Inst. 362.)

The priority of signing any treaty or public instrument, by the ministers of the Crown, is always taken by rank of place, and not by title.

31. *Barons.*—By statutes cited under 18.

32. *Speaker of the House of Commons.*—By statute 1 William and Mary, which enacts, that the Commissioners of the Great Seal shall have and take place next after the Peers of this realm and *Speaker of the House of Commons,* unless any of them shall happen to be a Peer, and then to take place according to his Peerage.

33. *Commissioners of the Great Seal,* not Peers.—By statute 1 William and Mary. See under 32.

34. *Treasurer* and 35. *Comptroller* of the Household. 36. *Master of the Horse.* — Royal Warrant, 31 Hen. VIII., cited under 38.

The Master of the Horse having for many years past been held by a Peer, the office has, in fact, merged in a higher rank.

37. *Vice-Chamberlain of the Household.*—Royal Warrant, 31 Hen. VIII., cited under 38.

38. *Secretary of State, under the degree of a Baron.* — By Warrant of King Henry VIII., anno 1540 (soon after the passing of the Act for placing the Lords) appointing Thomas Wriothesley and Ralph Sadler Principal Secretaries during his Highness's pleasure, it was declared, that in all Councils, as well in the King's Household as in the Star-chamber and elsewhere, all Lords, both of the Temporalitie and Clergy, shall sit above them; and likewise the Treasurer, Comptroller, Master of the Horse, and the Vice-Chamberlain of his Highness's Household; then next after to be placed the said Principal Secretaries; and so after them all such other Councillors as shall resort and have place in any of the said Councils.—The original Warrant in State Paper Office, contains a provision for the attendance of one of the Secretaries in each House of Parliament.

39. *Eldest Sons of Viscounts.* 40. *Younger Sons of Earls.* 41. *Eldest Sons of Barons.* — Orders, 6 Ed. IV., 1467. Cited under 24. And in regard to the Younger Sons of Earls, an order of King James, after solemn argu-

ment before His Majesty, in 1620 (on a difference between the Younger Sons of Earls and Knights of King James's Privy Council), that Younger Sons of Earls should have place and precedency not only before Knights Privy Councillors, but also Knights of the Most Noble Order of the Garter that were not *Barons*, or of a higher degree.

On 26th March 1676, notice being taken in the House of Lords, that in Commissions of the Peace, and other Commissions, the Eldest Sons of Viscounts, the Younger Sons of Earls and the Eldest Sons of Barons had been ranked after Privy Councillors, who are not Lords, and after Judges, it was ordered by the Lords Spiritual and Temporal, "That the Clerk of the Crown in Chancery and all other Clerks out of whose offices such Commissions do issue, do take care that in the engrossing of all such Commissions, the said *Eldest Sons of Viscounts*, the *Younger Sons of Earls*, and *Eldest Sons of Barons*, may have the same Precedency, as hath been allowed to them upon other occasions."

42. *Knights of the Most Noble Order of the Garter.*—By the statutes of the Order, a Knight of the Garter having a seat in the House of Commons, is within the House to sit above all other degrees, next to the Treasurer and Comptroller of the Household.

In the "Series Ordinum" in the reign of King Henry VII., cited under 23, their precedence was higher, being before the younger sons of Earls.

Their present precedency is recognized by the decree of King James, in the tenth year of his reign, whereby Baronets are placed next after the younger sons of Barons, and before all Knights, as well of the Bath, &c.; and also except all *Knights of the Garter*, &c. See under 55.

It has not frequently happened since the reign of King James that the Order of the Garter has been conferred upon persons under the degree of the *Peerage*. Sir George Villiers was elected in the month of April, 1616, and created a Peer in August following; Sir George Monk was elected 26th May, 1660, but created Duke of Albemarle in July following.

The next instance of a Knight-Commoner was Sir Robert Walpole, elected 26th May, 1726, who walked as such at the Coronation of King George the Second in 1727, immediately above Privy Councillors not Peers, which place was in accordance with that recognized by the decree of King James, anno reg. 10.

H.R.H. Prince Leopold walked in the habit of a Knight of the

 1279874

Order at the Coronation of King George IV., but in the precedency assigned to him under the Act of Parliament (cited under 3), and Sir Robert Stewart, commonly called Viscount Castlereagh, elected in 1814, walked in his place above Privy Councillors.

In a chapter of the order, 23rd April 1629, it was *decreed*, that Sir Francis Crane then *Chancellor of the Order*, and all others that should succeed him in that place, should in right of that place, in all assemblies and upon all occasions be ranked and placed immediately after Knights Privy Councillors, and before the Chancellor of the Exchequer (the persons holding both places being *in pari gradu*) and, consequently, before all others, whom the said Chancellor is to precede; but the office having been annexed to the Bishoprick of Salisbury in the year 1669, and transferred to the Bishoprick of Oxford in the year 1837, the precedency of the office has merged in a higher honour, so that the introduction of that Officer in a table of precedency is useless.

43. *Privy Councillors.*

44. *Chancellor and Under Treasurer of the Exchequer.*

45. *Chancellor of the Duchy of Lancaster.*

46. *Lord Chief Justice of the Queen's Bench.*

47. *Master of the Rolls.*

48. *Lord Chief Justice of the Common Pleas.*

49. *Lord Chief Baron of the Exchequer.*

} By decree of King Jas. I. a° reg. 10. cited under 55.

50. *Vice-Chancellors.*—By Act 53 Geo. III. c. 24, whereby the Vice-Chancellor of England was first appointed, it is declared by Sec. 4, that such Vice-Chancellor should have rank and precedence next to the Master of the Rolls.

By Act 5 Victoria c. 5, *two* additional Judges assistant to the Lord Chancellor, to be called *Vice-Chancellors*, were appointed, but it was declared by the 21st Sec. of the Act that no successor should be appointed to the Vice-Chancellor secondly appointed under the said Act. By Sec. 25, it is declared, that the said

Vice-Chancellors appointed in pursuance of the said Act, should, during the continuance in office of the then Vice-Chancellor of England, respectively have rank and precedence next to the Lord Chief Baron of Her Majesty's Court of Exchequer at Westminster, and the Vice-Chancellor to be appointed in pursuance of the Act of the 53rd of King Geo. III., and the Vice-Chancellors to be appointed in pursuance of the said Act, 5 Vict. should, after the death of the then Vice-Chancellor of England, or his resignation or removal from his office, respectively have rank and precedence next to the Lord Chief Baron of the Court of Exchequer at Westminster; and as between themselves, should have rank and precedence according to seniority of appointment to their respective offices.

On the passing of the Act, 5 Vict., Sir Lancelot Shadwell was Vice-Chancellor of England, and continued so till his death in August, 1850. By the subsequent resignation of Sir James Wigram, in the same year (the secondly appointed assistant Vice-Chancellor), his office ceased, and the present Vice-Chancellors rank, in pursuance of the said Act of 5 Victoria, according to the seniority of appointment, next to the Lord Chief Baron of the Court of Exchequer.

51. *Judges and Barons of the degree of the Coif of the Courts of Queen's Bench, Common Pleas, and Court of Exchequer.* — By decree of King Jas. I. a° reg. 10, cited under 55.

Judges of the Court of Review. Commissioners of the Court of Bankruptcy. — By virtue of Letters Patent, under the Great Seal, 5th Dec. 1831, in pursuance of Stat. 1 and 2 William IV. c. 56, whereby a Court of Bankruptcy was established, consisting of one Chief Judge, three other Judges, and six Commissioners, and by which Letters Patent precedence was assigned to them respectively in all the Courts of Law and Equity. The Chief Judge was to take rank and precedence next after the Puisne Judges of the Court of King's Bench, Common Pleas, and Exchequer, for the time being, the other Judges next after the said Chief Judge, and the Commissioners next after the said other Judges of the said Court, and the said Judges, except the said Chief Judge, to take rank and precedence among themselves, and the said Commissioners to take rank and precedence amongst themselves respectively, ac-

cording to the priority or order of their respective appointments.

By the first section of the said Act of 1 and 2 Wm. IV. it was declared, that the same Court should be and constitute a Court of Law and Equity, and should, together with every Judge and Commissioner thereof, have, use, and exercise all the rights, incidents, and privileges of a Court of Record, or Judge of a Court of Record, and all other rights, incidents, and privileges, as fully, to all intents and purposes, as the same are used, exercised, and enjoyed by any of His Majesty's Courts of Law or Judges at Westminster.

By section II. of the said Act, the said Judges, or any three of them, were to form a *Court of Review.*

By Act 5 and 6 Victoria, Sec. 64 and 65, the Judges of the *Court of Review* in Bankruptcy had rank and precedence assigned them next after the Judges of the Superior Courts of Westminster Hall. The *Court of Review* was abolished by Act of 10 and 11 Victoria, c. 102, but by Sec. 2, the precedence to which the then Judges (the Hon. Thomas Erskine and Sir George Rose) were entitled, was preserved.

Under the authority of the Act of 1 and 2 Wm. IV. and the Letters Patent, in pursuance thereof, the Commissioners of Bankruptcy are ranked in this place, though an objection was taken by the Attorney and Solicitor-General to their precedence over them as the Law officers of the Crown at the funeral of King William IV. ; when a protest was delivered to the Earl Marshal, who, after consideration of the Letters Patent, maintained their precedence upon that occasion, but without prejudice to any future decision. The Commissioners subsequently petitioned the Crown for a discussion of the question, but nothing further has been done. If the objection urged be, that the precedence to the Judges and Commissioners was confined to the Courts of Law and Equity (the words in all places and upon all occasions not occurring), the force of such objection will equally apply to the precedence of the Attorney and Solicitor-General over the long-established precedence of the King's Ancient Sergeant, which was granted to them by Royal Warrant in the year 1813, and which was confined to pre-audience in the Courts of Law, but notwithstanding which the same relative precedency was assigned to the Attorney and Solicitor-General at the Coronation of King George IV. in 1821, see p. 69.

52. *Knights Bannerets made under the King's Banner.* — By decree of King Jas. I. a° reg. 10. cited under 55.

Previously to which they had ranked before the Younger Sons of Barons (Order of all Estates, anno 1399, cited under 19). There have not been any such Knights however for many years; but as the dignity is recognized by the Crown in all Patents of Baronets to the present day, the place of Knights Bannerets is pointed out thus, although they are displaced by the Statutes of the Order of the Bath of 1847, which ordain that the Grand Crosses shall take place next and immediately after Baronets.

The honour of Knight Banneret is very ancient, and until the foundation of the Order of the Garter, there was no rank between them and Barons, to whom they were next in dignity, as would appear by the Stat. 5 Ric. II., stat. 2, cap. 4, whereby every one was ordered to obey his summons to Parliament, and if any person which from thenceforth should have the said summons, be he Archbishop, Bishop, Abbot, Prior, Duke, Earl, Baron, *Banneret*, Knight of the Shire, Citizen of City, Burgess of Borough, or other singular person or commonalty, do absent himself and come not at the said summons, except he may reasonably and honestly excuse him to the King, he shall be amerced, &c. And by Stat. 14 Ric. II. c. 11, whereby eight Justices of the Peace were assigned to each county besides the Lords assigned in that Parliament, and wherein it is ordered, that no Duke, Earl, Baron, or *Banneret*, whilst they be assigned Justices of the Peace, and hold their Sessions with the other eight, shall take any wages for the said office.

Camden (Annals of Queen Eliz. 3rd edit. fol., p. 461) says, "Sir Ralph Sadleir, Chancellor of the Duchy of Lancaster, a man famous for his many and great employments for the State, and the *last* Knight Banneret of England, to which dignity he was raised at Musselborough field, died 1587."

53. *Younger Sons of Viscounts.*

54. *Younger Sons of Barons.*

55. *Baronets.*

— By decree of King Jas. I. a° reg. 10. cited under 55.

The precedency of *Baronets*, their Wives, Sons, and Daughters, was settled by two decrees in the 10th and 14th of King James the First. The substance of which respectively have been em-

bodied in all patents of Baronetcies passed subsequently, and may be fully collected from the granting clauses as follow, viz.:

"That A. B. and the heirs male of his body shall take place and precedence, by virtue of the dignity of a Baronet, and by force of the said patent, in all commissions, writs, letters patent, writings, appellations, nominations and directions, as in all sessions, meetings, assemblies and places whatsoever, next and immediately after the Younger Sons of Viscounts and Barons of the United Kingdom of Great Britain and Ireland, and before all Knights, as well of the Bath as Knights Bachelors and Knights Banneret, now created or hereafter to be created, *except*—

> "*Those Knights Banneret* then already created, or thereafter created, under the royal banners, displayed in the army of the King or his successors in open war, and the King being personally present—and all *those* created, or thereafter created, in like manner by the first-born Son of the King for the time being, being Prince of Wales, there personally present in open war, and not otherwise, for the term of their lives only. And also *except* all *Knights of the Garter and all members of the Privy Council, the Chancellor and Under Treasurer of the Exchequer, the Chancellor of the Duchy of Lancaster, the Chief Justice of the King's Bench, the Master of the Rolls in Chancery, the Chief Justice of the Common Pleas, the Chief Justice of the Exchequer, the Vice-Chancellors,* and all Judges and Justices of either bench, and the Barons of the Exchequer of the degree of the coif*, for the time being, who by reason of their honourable order, and labour sustained in affairs concerning the State and the administration of justice, are to have place and precedence in all places and upon all occasions before all Baronets.

"And that his Wives and those of his heirs male aforesaid, by virtue of the dignity of their husbands, shall have and take place and precedence during their natural lives next and immediately after the Wives of the younger Sons of Viscounts and Barons, and the Daughters of Viscounts and Barons, and before the Wives of all persons before whom the husbands of such wives ought to have place and precedence.

"And that his first-born Son and heir male apparent, and all the rest of his Sons, and their Wives, and his Daughters and

* The names of the Vice-Chancellors of the Court of Chancery are here introduced in all patents passed subsequently to the Act of 5 Victoria, 1844, and since August, 1850, that of the Vice-Chancellor *of England* (the office having ceased), who followed the Master of the Rolls, omitted.

those of his said heirs male respectively, shall take place and precedence before the first-born Sons and other Sons, and their Wives, and the Daughters of all Knights of whatsoever degree or order respectively; and also before the first-born Sons and other Sons, and their Wives, and the Daughters of all persons respectively before whom the Fathers of such first-born Sons and other Sons, and Daughters, by virtue of their patent ought to have place and precedence; so that such first-born Sons or heirs male apparent and their Wives, as well during the lives as after the deaths of their said husbands, during their natural lives, and such Daughters (those Daughters following immediately and next after the Wives of the first-born Sons of such Baronets,) shall take place and precedence before the first-born Sons and the Wives of the first-born Sons of Knights of what degree or order soever.

"And that his younger Sons, and those of his said heirs male, and their Wives, successively and respectively, during their natural lives, shall have place and precedence next and immediately after the first-born Sons, and the Wives of the first-born Sons, and before the younger Sons, and the Wives of the younger Sons whatsoever of Knights aforesaid.

"And that he and his heirs male aforesaid successively shall have place in the Armies of the King, his heirs and successors, in the troop nigh to the banner of the King, his heirs and successors, in defence of the same (which is the middle station between a Baron and a Knight).

"That if any doubts or questions as to the place, precedence or privileges of him and his heirs male aforesaid, and their Wives, the first-born Sons and their Wives, the younger Sons, Daughters and Wives of the younger Sons, or any of them, shall arise, which are not determined by his letters patent, or any other letters patent theretofore made in this behalf; such doubts and questions are to be adjudged according to such other rules and laws as other degrees of hereditary dignity are governed and adjudged."

The Acts of Union with Scotland and Ireland are silent in regard to the rank and precedence of Baronets of *Scotland* and *Ireland* in reference to those of England and Great Britain; but looking at the arrangement in regard to the Peerage, the Baronets of Scotland created before 1707 would follow those of England created before 1707, and the Baronets of Ireland follow those of Great Britain created after 1707 and before 1801, and then the Baronets of the United Kingdoms according to the dates of their respective creations.

56. *Knights Bannerets not made by the King in Person.*—By decree of King James I. a° reg. 10, cited under 55.

57. *Knights of the Thistle.*
——— *Grand Crosses of the Bath.*
——— *of St. Patrick.*
} Statutes of the Bath, 1847.

Knights of the Thistle are Peers, and having, as such, higher precedency, the assignment of this rank for them in modern tables of precedency can only have been to show the Seniority of the Order of the Thistle over that of the Bath, in the event of its being conferred upon a Commoner, in which event the place would be a proper one, looking at the dates of the revival of the respective Orders of the Thistle, in 1687 and 1704, and of the Bath in 1725. The Statutes of the Order are silent in respect to precedency, and until any Knights-Commoners exist, the assignment of their place in any table of precedency is useless.

Knights of the Bath (and their wives) by Earl Marshal's Order, 4th of Feb. 1625, in pursuance of the King's command, were of right, without question, to have precedency before all Knights Bachelors and their wives. By the Statutes ordained on the revival of the Order in 1725, all the Companions of this Order, for the time being, who, by reason of their Honours and Offices then enjoyed by them, were not entitled to a higher degree of precedency, were to enjoy the precedency, and all other privileges whatever, which had theretofore been allowed any Knight of the Bath by ancient laws, usages, and customs of the realm at all times and seasons, and the *wives* of these Companions, and their *relicts* during their *widowhoods*, with *their children*, were to enjoy their ancient pre-eminences, and all other rights, in as ample manner as they had been enjoyed in former reigns. On the enlargement of the Order in 1815, the Style of the Knight Companion was changed to Knight Grand Cross, but none of the new Articles then promulgated affected their precedency. In 1847, by Letters Patent under the Great Seal, the Statutes of 1725, and Articles of 1815, were *repealed* and *annulled*, and by new Statutes, bearing date 14th of April, 10 Victoria (1847), it is ordained that

The *Knights Grand Crosses* of the Bath shall have precedency next and immediately after Baronets, whereby Knights Bannerets when created will lose their precedency.

That *Knights Commanders* shall have precedency next to and

immediately after the Knights Grand Cross, of the Order of St. Michael and St. George,

and

Companions place and precedency of the Cavalieri and Companions of the Order of St. Michael and St. George, and *before all* Esquires of the Realm.

The precedency of Knights of the Bath amongst themselves, when classed in a body as Knights of the Order, is according to the date of their nomination, and not according to the grandeur of their estate, degree, or office. His Royal Highness Prince Albert being Great Master, and as such, the First and Principal Knight Grand Cross of the Order.

Knights of St. Patrick are all likewise Peers, and therefore having always a higher precedency, need not occupy a place in the ordinary tables. If the Order was ever conferred upon a Commoner, which was within contemplation when the Royal Warrant for its creation was issued, there would be an inconsistency to be reconciled in reference to the precedency granted to them by the Royal Warrant creating the Order, in 1783, and the precedency enjoyed by other persons in virtue of previous declarations of the Royal Pleasure. The Statutes, however, are silent upon the subject of precedency.

By the Warrant for the creation of the Order of St. Patrick, the Knights being Commoners, are to rank accordingly after Barons' sons, thus taking precedence of Knights of the Garter, Thistle and Bath, all Orders of more ancient creation, and at the same time precedence of Baronets in positive contravention of the decree of King James, which places them next after the *Younger Sons* of Viscounts and *Barons*, and the Letters Patent granted to every Baronet since, which continue to give them that rank.

58. *Knights Grand Crosses of St. Michael and St. George.* — Statutes of St. Michael and St. George, 1832.

The Grand Crosses of St. Michael and St. George, by the Statutes ordained in 1832, in all solemn ceremonials, and in all other places and assemblies whatsoever, are to rank next to and *immediately* after Knights Grand Crosses of the Bath, which would give them precedence of any Commoner a Knight of St. Patrick, unless the Knights of St. Patrick are to displace Knights of the Garter and Baronets.

59. *Knights Commanders of the Bath.*—By the statutes of the Order, 1847. See under 57.

60. *Knights Commanders of St. Michael and St. George.*—By statutes of the Order, 1832, which give them place and precedency next to and *immediately* after the Knights Commanders of the Bath.

61. *Knights Bachelors.*—Their precedency was immediately after the Younger Sons of Barons, in the order of all Estates, 1399, cited under 19. Their precedency over the Eldest Sons of Baronets preserved by the decree of King James a° 10 reg., cited under 55.

62. *Companions of the Bath.*—By statutes of the order of 1847, which gives them precedency over the Companions of the Order of St. Michael and St. George, and before *all Esquires of the Realm.* See under 57.

63. *Companions of the Order of St. Michael and St. George.*—By statutes 1832, the Companions, being natives of Great Britain or Ireland, are to have place and precedency next to and *immediately* after the Companions of the Order of the Bath.

64. *Eldest Sons of the Younger Sons of Peers.*—Placed before all Sons of Knights, by order of the Earl Marshal, 18th March, 1615, which decreed that the heirs male descended of the Younger Sons of Peers of the Realm, shall take place of the Eldest Sons of Knights; and before the Eldest Sons of Baronets, in consequence as it would appear, of an address of the House of Lords to the King, touching the subject, 6th April, 1677, whereby the King was humbly moved to declare and give directions to the Earl Marshal that it might be settled, that seeing all the Sons of the Nobility take place of all Baronets, the Eldest Sons of those Sons may also take place of the Eldest Sons of Baronets during the life of such Baronets. By the statutes of the Order of the Bath, which place the Companions before *all* Esquires of the Realm, and the statutes of St. Michael and St. George, which give the Companions of that Order place next the Companions of the Bath, these persons now yield precedence to the Companions of those orders.

65. *Eldest Sons of Baronets.*—Before the Eldest Son of any

Knight of what degree or order soever, by decree of King James a° reg. 10. See under 55.

66. *Eldest Sons of Knights of the Garter.*—Knights of the Garter having precedence of all other Knights, their Eldest Sons would, following usage, precede the Eldest Sons of all other Knights. As, however, the Order of the Garter is seldom conferred upon any person below the rank of *Earl*, their Eldest Sons would always have a higher precedency.

67. *Eldest Sons of Knights Bannerets.*
68. *Eldest Sons of Knights Bachelors.*

Order of all Estates a° 1399. Cited under 19.

69. *Younger Sons of Baronets.*—By decree of King James a° regni 10. See under 55.

70. *Younger Sons of Knights Bachelors.*—Order of all Estates, a° 1399, cited under 19, and decree of King James a° regni 10, under 55.

71. *Esquires.*—It is extremely difficult to define accurately or satisfactorily the persons included by, or entitled to, this designation.

Lord Coke, in his exposition of the Statute 1 Hen. V. cap. 5, of *Additions*, says—"The Sons of all the Peers and Lords of Parliament in the life of their Fathers are in law *Esquires*, and so to be named." By this Statute the Eldest Son of a Knight is an *Esquire*. (2 Inst. 667).

Sir William Blackstone, in his Commentaries on the Laws of England, vol. I. 406, says, "Esquires and Gentlemen are confounded together by Sir Edward Coke, who observes that every Esquire is a Gentleman, and a Gentleman is defined to be one *qui arma gerit*, who bears coat armour, the grant of which adds gentility to a man's family; in like manner as civil nobility among the Romans was founded on the *jus imaginum*, or having the image of one ancestor at least who had borne some curule office. It is, indeed, a matter somewhat unsettled what constitutes the distinction, or who is a real Esquire, for it is not an Estate, however large, that confers this rank upon its owner. Camden, who was himself a herald, distinguishes them the most accurately, and he reckons up four sorts of them:—1. The Eldest Sons of Knights, and their Eldest Sons in perpetual succession. 2. The

Eldest Sons of Younger Sons of Peers, and their Elder Sons in like perpetual succession; both which species of Esquires Sir Henry Spelman entitles *armigeri natalitii*. 3. Esquires created by the King's letters patent, or other investiture, and their Eldest Sons. 4. Esquires by virtue of their offices; as Justices of the Peace, and others who bear any office of trust under the Crown. To these may be added the Esquires of Knights of the Bath, each of whom constitutes three at his installation;* and all foreign, nay, Irish Peers; for not only these, but the Eldest Sons of Peers of Great Britain, though frequently titular Lords, are only Esquires in the Law, and must be so named in all legal proceedings."

Blackstone does not assign any reason for saying that all *Irish Peers* are but *Esquires*, but probably before the Union, considering them as foreigners, adopted the opinion of Lord Coke, who says—"That in 1 Ed. IV., John Lord Audeley, an ancient and a noble Baron, was named Johannes Audeley, *Armiger*, for that all the rest of the Barons that appeared at that Parliament were *Knights;* and all Dukes, Marquises, Earls, Viscounts, and Barons of other nations, or which are not Lords of the Parliament of England, are named *Armigeri*, if they be not Knights; and if Knights, then are they named *Milites*." (2 Inst. 667).

Camden's classification, when he wrote, was perhaps as accurate as could be, founded upon the usage of the time and the recognition of such distinctions by the Crown. In the Earl Marshal's Court in 1615 it was decreed that the younger Sons of Peers of the Realm, who invest the heirs male descended from them with that name and title, and the lineal heir male of a Knight's House were entitled by birth to the denomination of Esquires,—a decree which confirms the view taken by Camden in defining the first and second classes of Esquires, and under which very many persons now claim to be ranked. The third class can hardly be said to exist; their creation by Letters Patent or Investiture having long since ceased. In this class probably were comprehended Esquires of the King's Chamber, or Esquires of the King's body, and King's Esquires by prerogative, to whom place was assigned in very early Tables of Precedency, and who may have received their appointments by Patents or Warrants direct from the Sovereign. The fourth class, that of Esquires, *by office*, still exist as Justices of the Peace, and divers persons holding office under the Crown; but Mr. Christian, in his notes upon the text of Blackstone, has expressed, and with great pro-

* A privilege annulled in 1347. See p. 57.

priety, a doubt whether that learned Judge has not given too extensive a description of an Esquire, when he extends it to those who bear *any* office of trust under the Crown, as it might, with so extended an interpretation, include persons holding very inferior offices. Mr. Christian thinks it probably ought to be limited to those only who bear an office of trust under the Crown, and who *are styled Esquires by the King* in their commissions and appointments; so he conceives all who are once honoured by the King with the title of Esquire, have a right to that distinction for life; and he observes also, that it is remarkable the learned Judge should have omitted another class of Esquires, viz., *Barristers*, and refers to the following case or authority:—In Rex *v.* Brough (Hil. Term, 22 Geo. II.), Mr. Justice Nares said that the Court of King's Bench (Hil Term, 14 Geo. II.) between Messor and Molyneux, on a motion for a *procedendo*, an affidavit was produced, wherein a person named therein *Gentleman*, appearing to be a *Barrister*, the Court would not permit the affidavit to be read, because a Barrister is an Esquire by his office or profession. 1, *Wilson*, 245. Mr. Bowyer* remarks:—"But it is doubtful whether this gives them rank as Esquires out of Court, or entitles them to the style of Esquires, otherwise than as a description in proceedings in Court, because it has never been conferred upon them by the Crown." But if they are in Court, and in its proceedings, entitled to be so styled, it seems difficult to preclude them from its general application.

The Esquires to the Knights of the Bath derived their rank under the Statutes of the Order made upon its revival in 1725, which gave to them all rights, liberties, privileges, exemptions, and advantages which the *Esquires of the Sovereign's body or Gentlemen of the Privy Chamber* lawfully enjoyed, or were entitled to under any grant, prescription, or custom whatsoever. Esquires of the Bath have not been appointed since the last Installation of that Order in the year 1812. The Statutes of 1725 were repealed and annulled in 1847, and the Knights have no longer the power to nominate Esquires, the ceremonies of Installation, at which their attendance was required, being dispensed with. This class will, therefore, in a few years cease to exist. By the 17th article of the Statutes of St. Patrick, ordained 1783, every Knight is authorized to appoint three Esquires of the body. Gentlemen of the Privy Chamber are still Officers of the Court, and when ranked in public proceedings, such as the Coronations of the Sovereign,

* Commentary on the Constitutional Law of England, 8vo. 1841, p. 692.

precede the Attorney-General, and were formerly placed above the Esquires of the Body, a class of Esquires which has not appeared in any State Ceremonial for many years.

Blackstone, vol. I. 404, says, that before *Esquires*, the Heralds rank Colonels, Serjeants-at-Law, and Doctors in the three learned professions, but the authorities he cites in his note do not seem to support the statement. The several persons forming these classes are but Esquires, and to them may be added many others, *viz.* :—Deputy Lieutenants, Judicial Officers, Mayors of Towns, Barristers, Officers of the Army and Navy, and Members of Parliament, who come under the designation of *Esquire*, but who, in point of fact, have no peculiar precedency in general society assigned, either by Statute, fixed rule, or ancient usage.

Officers in the Army and Navy have amongst themselves a precedency and defined relative rank, as have also Doctors in Divinity, Law, Physic, and Music, Deans, Chancellors, and Prebendaries, and Heads of Colleges in the several Universities.

Blackstone closes his table of Precedency thus :—

> Knights' younger Sons, Colonels, Sergeants-at-Law, Doctors, Esquires, Gentlemen, Yeomen, Tradesmen, Artificers, Labourers.

In some tables inserted in different modern publications, various classes of persons, and amongst others Doctors of Divinity, Law, and Physic, Deans, and Chancellors have a particular precedency assigned to them, but, in the absence of any direct authority, it is of no effect, as rank and place can emanate from the Crown alone.

There are no doubt certain public Ceremonials of State, such as Coronations, Royal Public Funerals, and Processions of the Sovereign to Parliament, &c., wherein various Public Functionaries walk, and have for the occasion certain places assigned to them, but which they may not at all times find the same, as it by no means follows that they are always entitled to the same place for having been there once ; there is to a certain extent a precedent afforded thereby, and in some cases the uniformity of precedence in regard to one class over another, has in such cases become established. This applies, for instance, to the places of Gentlemen of the Privy Chamber, Law Officers of the Crown, and Masters and Six Clerks in Chancery, who have no definite or fixed place in the Tables of Precedency regulating the general orders of society, though in reference to State Ceremonials, they have certain places

assigned in the order of procession, in right of their offices, which, however, give them no general rank. Upon such occasions, nevertheless, the legal rank and precedence, which they hold in the Courts of Law, is observed, and so far establishes amongst themselves, and in respect to their several classes, their precedency.

The precedency of the Sergeants-at-Law and Masters in Chancery, though formerly a matter of controversy, seems to have been settled by the usage of the last two centuries, when, in the most solemn public ceremonial, the Coronation of the Sovereign, the Sergeants-at-Law have had the precedence.

In the reign of Queen Elizabeth, it appeared that Lord Ellesmere placed the names of the Masters in Chancery in commissions before those of the Sergeants-at-Law, contrary, as said, to "former precedents;" and the matter becoming one of controversy, the Masters in the 1st of K. James, applied to the Lords Commissioners deputed to execute the office of Earl Marshal, to be ranked above Sergeants-at-Law in the King's proceeding from the Tower on the 14th March, 1604; and it is shown by the original roll in the College of Arms, under the hands of the Lords Commissioners, that the Masters were ranked before Sergeants-at-Law. The order of the legal functionaries then present will be seen by the following *extract* from the original roll.

15th March, 1603.

A List or Roll of the King's Majesty's most Royal Proceeding through London, as it was Marshalled by the Lords deputed for the Office of Earl Marshal.

Barons' eldest Sons.
Knights of the Garter.
Knights of the Privy Council.
Viscounts' younger Sons.
Barons' younger Sons.
The Dean of the King's Chapel.
The Master of the Jewel House and Sir Thomas Chalonor, the Prince's Governor.
Knights that have been Lords Ambassadors, Lords Presidents, and Lords Deputies.
Knights of the Bath.

Gentlemen of the Privy Chamber and Bedchamber.
Lord Chief Baron and Lord Chief Justice of the Common Pleas.
Barons of the Exchequer.
The Chamberlains of the Exchequer and Judges of the Law.
Masters of Requests.
Masters of standing Offices, being no Councillors: viz.
The Tents.
Revells.
Armoury.
Wardrobe.
Ordynance.
Esquires for the Body, Sewers, Carvers, and Cup-bearers in Ordinary.
Secretaries for the French and Latin Tongue and Q. Secretary.
Knights Bachelors.
Masters of the Chancery.
The King's Sergeants.
Sergeants of the Law.
The King's Attorney and Solicitor, with Sir Francis Bacon, being of the King's learned Counsel.
The King's Advocate and Remembrancer.
The Queen's Counsel-at-Law.
The Prince's Counsel-at-Law.—(*Note.* The Prince's Sergeant to sort with Sergeants.)
Aldermen of London.
Chaplains having dignities.
Clerks of the Crown.
Clerks of the Parliament.
Clerks of the Council.
Clerks of the Privy Seal.
Clerks of the Signet.
Gentlemen Ushers in Ordinary.
Quarter Waiters.
Sewers, the King's Servants.
Gentlemen and Esquires, the King's Servants.
Gentlemen and Esquires, the Queen's Servants.
Gentlemen and Esquires, the Prince's Servants.
Gentleman Harbinger, Sergeant Porter.
Messengers of the Chamber.
&c. &c. &c.

The question, however, between the Sergeants-at-Law and Masters in Chancery, seems to have been revived on the occasion of the Funeral of King James I., in 1625, when the Sergeants had the precedence of the Masters, but in the margin of the record the precedence is stated to be in controversy. The following is extracted from the record : viz.

Funeral of King James I.

Barons of the Exchequer and Judges of both Benches.
Master of the Jewel House.
Treasurer of the Chamber.
Treasurer to King Charles.
Chancellor of the Order of the Garter.
Gentlemen of the Privy Chamber.
Master of the Ceremonies.
Grooms of the Bedchamber.
Masters of Requests of Scotland and England.
Chamberlain of the Exchequer.
Judge of the Admiralty.
Master of the Ordnance.
Master of the Armoury.
Master of the Wardrobe.
Master of the Revels and Master of the Tents.
The King's two Ancient Sergeants.
The King's Attorney and Solicitor General.
The King's Sergeants-at-Law.

Sergeant Davenport.
Masters of the Chancery.
} These being in controversy for precedency, have as yet received no determination.

King Charles' Counsel for his Revenue when he was Prince.
The Chief Officers and Aldermen of London.
&c. &c. &c.

The Masters in Ordinary in the High Court of Chancery appear to have been Officers of the Great Seal (before the creation of Queen's Counsel), as Assistants to the Lord Chancellor, and Attendants of the House of Peers. By Statute of 3 and 4 William IV. c. 94 sec. 16 they are Officers of the Crown, appointed by Letters Patent, with the exception of the Accountant-General.

The following extracts from the Ceremonials of the several Coronations since the Restoration, wherein those Officers have walked, or had places assigned to them, show the established precedency as amongst themselves.

K. Charles II., 1661.

(From the Tower to Whitehall).

Barons of the Exchequer and Judges of both Benches.
Knights of the Bath.
Knight Marshal.
Gentlemen of the Privy Chamber.
Esquires of the Body.
Gentlemen Ushers daily Waiters.
The King's eldest Sergeants.
The King's Attorney and Solicitor.
The King's learned Counsel.
The King's Puisne Sergeants.
Masters of the Chancery.
Six Clerks of the Chancery.
Esquires to Knights of the Bath.

K. Charles II.

From Westminster Hall to the Abbey.

Knights of the Privy Council.
Barons of the Exchequer and Judges of both Benches.
Knights of the Bath.
Gentlemen of the Privy Chamber.
Esquires of the Body.
The King's two Ancient Sergeants.
The King's Attorney and Solicitor.
The King's younger Sergeants.
Masters of the Chancery.
Six Clerks of the Chancery.

K. James II., 1685.

Barons of the Exchequer and Justices of both Benches, &c.
Gentlemen of the Privy Chamber.
Esquires of the Body.
King's Ancient Sergeants.
King's Attorney.
King's Solicitor.
King's Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

K. William and Q. Mary, 1689.

Barons of the Exchequer and Justices of both Benches.
Gentlemen of the Privy Chamber.
Esquires of the Body.
King's two Ancient Sergeants.
King's Attorney General.
King's Solicitor General.
King's two younger Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

Q. Anne, 1702.

Barons of the Exchequer, &c.
Gentlemen of the Privy Chamber.
Esquires of the Body.
Queen's Ancient Sergeants.
Queen's Attorney.
Queen's Solicitor.
Queen's younger Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

K. George I., 1714.

Judges.
Gentlemen of the Privy Chamber.
King's Ancient Sergeants.
King's Attorney General.
King's Solicitor General.
King's younger Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

K. George II., 1727.

Barons of the Exchequer, &c.
Gentlemen of the Privy Chamber.
King's Ancient Sergeant-at-Law.
King's Attorney General.
King's Solicitor General.
King's younger Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

K. George III., 1761.

Barons of the Exchequer, &c.
Gentlemen of the Privy Chamber.
King's Ancient Sergeant.
King's Attorney General.
King's Solicitor General.
King's Sergeants-at-Law.
Masters in Chancery.
Six Clerks in Chancery.

K. George IV., 1821.

Barons of the Exchequer, &c.
Knights Grand Crosses of the Bath.
Knights Commanders of the Bath.
Gentlemen of the Privy Chamber.
King's Attorney General.*
King's Solicitor General.*
King's Ancient Sergeant.*
King's Sergeants-at-Law.
Masters in Chancery.
Aldermen and Recorder of London.
Sheriffs of London.
Six Clerks in Chancery.

At the Coronations of King William IV. and Queen Victoria, the usual Procession from Westminster Hall to the Abbey was dispensed with.

---

* The two ancient of the King's Sergeants-at-Law had enjoyed precedence over the Attorney and Solicitor-General from an early period. By a Royal Letter of King James in October, 1623, he gave the Attorney and Solicitor-General place and audience next after the two ancientest of the Sergeants-at-Law for the time being, and the rest of the Sergeants place and audience next after the Attorney and Solicitor, and such continued the Order of their precedence until His Majesty King George III., by virtue of a royal warrant bearing date 14th Dec., 1813, in consideration of the important and weighty affairs in which his Attorney and Solicitor-General were instantly engaged on behalf of the Crown, was pleased to declare that thenceforth they should have pre-audience in all Courts of Law, before the Ancient Sergeant-at-Law, as well as all other Sergeants-at-Law. At the Coronation of King George IV., 1821, those officers had precedency over the King's Ancient Sergeant.

The following precedency appears to have been ordered in the Ceremonial issued at the funeral of Viscount Nelson in 1806.

Baronets.
Knights of the Bath.
Knight Marshal.
Judge of the Admiralty.
Prime Sergeant.
Attorney General and Solicitor General.
Sergeants-at-Law and Masters in Chancery.
Knights Bachelors.
Divines.
Physicians of the deceased.
Esquires.
Gentlemen.

The same precedence was ordered to be observed at the funeral of the Right Hon. William Pitt in the month of February following, in regard to the Sergeants-at-Law and the Masters in Chancery, but on reference to the official report of the proceeding which took place, it does not appear that any of those legal functionaries attended either funeral, with the exception of some of the Sergeants-at-Law, at that of Viscount Nelson.

By Statute 8 and 9 Vict. cap. c. sec. 2, it is enacted, that *Masters in Lunacy* "shall take the same rank and precedence as the Masters in Ordinary of the High Court of Chancery," apparently assuming the rank of the Masters, without defining it. The Masters, however, as such, have not a settled place in the Order of general precedency, emanating from any authority by Statute or otherwise, although they are Officers who, upon some State occasions, have places in public Ceremonials.

72. *Gentlemen.*—There is no defined priority, Littleton says, "every son is as great a gentleman as the eldest." *Sec.* 210.

AUTHORITIES AND REMARKS.

The Numbers refer to the corresponding ones in the Table of Precedence.

PRECEDENCY OF WOMEN.

Royal Family.—In respect to the order of Precedence amongst the female branches of the Royal Family, it is to be observed that there does not exist any direct order of the Crown or legislative enactment upon the subject. Their rank and places have been indicated from time to time in Tables of Precedency, according to their relative positions or consanguinity in regard to the Crown, or as the Sovereign has been pleased to command upon various occasions of public Ceremonial in which they have taken part. The Statute of the 31st of King Hen. VIII., under which a precedence has been established for the male branches of the Royal Family, does not refer to the Precedency of Women, and the ordinary rules do not control the Royal Family. In the accompanying table the order of the Statute of 31 Hen. VIII. is followed in reference to the relative positions of King's Sons (in which are included Grandsons), Brothers, Uncles, and Brother's and Sister's Sons, as preserving the same relative or corresponding rank to the females, and which is conformable to the precedence observed in different Ceremonials of State.

73. All Peeresses rank amongst themselves according to the seniority of their Husbands in their respective degrees of the Peerage, and the Daughters of Peers rank amongst each other according to the seniority of their Father's rank.

The Daughters of Dukes, Marquisses, or Earls, intermarrying with a Knight or Commoner of lower degree, retain their rank acquired by birth; but if they intermarry with a Peer, they follow the rank of their Husband, when their courtesy-rank merges in the dignity of the Peerage.

Peeresses in their own right, although married to persons

below their own dignity, retain their rank and precedence, but do not communicate either to their Husbands.

By usage, the Wives, Widows, and Daughters of persons of dignity are allowed and enjoy a precedency according to the rank which their Husbands and Fathers would respectively have between themselves. The Daughters in general have the same rank as the Eldest Son's Wife, following immediately after, but no *office* confers rank upon the Wife or Children of the person holding it, nor does the *profession* of the Husband or Father confer any.

The Wives and Children of Great Officers of State, as such, have not any precedence. Neither does the rank of a Bishop, Privy Councillor, or Judge, confer any precedence upon their Wives or Children.

The Widows of Peers, Baronets, Knights of the Orders, and Knights Bachelors, are entitled to enjoy the same style and rank which they derived from their Husbands so long as they remain unmarried, but on marrying again they have no other style or rank than that which the second Husband may confer upon them, it being the established law, that what a woman gains by marriage she loses by marriage.* Dowager Peeresses and Widows of Baronets take precedence of the Wives of the existing Peers and Baronets, as being senior in the dignity.

74.
75.
76. } Order of all Estates of Nobles and Gentry of England, anno 1399, cited under 19.

77. According to the place assigned to their Husbands in the "Series ordinum," cited under 23, framed before the passing of stat. 31 Hen. VIII.

78. The Order of all Estates, anno 1399, cited under 19.

79. Series ordinum of Hen. VII., cited under 23.

* Some instances, however, occur, where the Crown has permitted the retention of the title and precedence, notwithstanding a second marriage, as in the case of Catherine Duchess of Lenox, relict of Esme Duke of Lenox, who died in 1624, remarried to James Earl of Abercorn, when, as a mark of favour, King Charles I., in 1632, granted his royal letter, declaring that, notwithstanding her said second marriage, she should still retain both the title of *Duchess of Lenox* and all the rank and precedence due thereunto.

80. According to the place assigned to their Husbands, by decree 1594, cited under 25.

81.
82. Order of all Estates, anno 1399, cited under 19.
83.

84.
85.
86. Order of all Estates, anno 1479, cited under 25, and
87. Series ordinum of Hen. VII., cited under 23.
88.

89. According to the rank of their Husbands under the degree of the Peerage. See Note 66.

90. Order of all Estates, anno 1399, cited under 19.

91. By decree of King James I., anno reg. 10, cited under 55.

92. Order of all Estates, anno 1399, cited under 19, and decree of King James I., anno reg. 10, cited under 55.

93. According to their Husbands' rank by decree of King James I., anno reg. 10, cited under 55. The Wives of Baronets rank amongst themselves, according to the creations of their Husbands. See Note 55.

94. According to the rank of their Husbands.

95. According to ordinary usage in virtue of the rank of their Husbands, who rank immediately after Baronets in their order. See Note 57, where the Earl Marshal's order of 1625 respecting the precedency of Knights of the Bath is noticed, as well as the provision in the Statutes of the Order of the Bath in 1725, whereby the *Wives*, *Widows*, and Children of the Knights were to enjoy their ancient pre-eminence and all other rights in as ample manner as they had enjoyed in former reigns. These Statutes, were repealed and annulled in 1847, and no provision in the new Statutes for the precedence of any of their Wives or Children. The repeal of the Statutes of 1725, however, does not affect the Earl Marshal's order of 1625.

96.
97. According to ordinary usage, in virtue of the rank of their Husbands.
98.

99. Order of all Estates, anno 1399, cited under 19, decree of King James I., cited under 55. See Note 61.

100.
101. According to ordinary usage, in virtue of their Husbands' rank, but the Statutes of the Order do not assign any precedence to them.

102. According to ordinary usage, in virtue of the rank of their Husbands. See Note 64.

103. According to the precedence assigned in a table by John Martin-Leake, Esq. Garter, in 1763, by order of the Deputy Earl Marshal, for the observance of precedence at Court, and continued to be so placed in a table prepared by Sir Isaac Heard, Garter, in 1812, by order of H. R. H. the Prince Regent (afterwards King Geo. IV.), by whom it was approved, and acted upon.

104.
105. By decree of King James I., anno reg. 14, cited under 55.

106.
107. According to ordinary usage, in virtue of the rank of their Husbands. See Note 66.

108.
109. By decree of King James I., anno reg. 14, cited under 55.
110.

111.
112. According to ordinary usage, in virtue of the rank of their Husbands.

EXTRACTS FROM THE STATUTES OF THE SEVERAL ORDERS OF KNIGHTHOOD IN RESPECT TO THE PRECEDENCY OF THE KNIGHTS.

ORDER OF THE GARTER.

The Statutes of the Order as declared and renewed in the reign of King Henry VIIIth. are those still existing, with such additions and alterations as have been declared and ordained by successive Sovereigns in subsequent statutes.

The only notice which occurs therein respecting the Precedency of the Knights *out of the Order* or processions and ceremonies connected therewith, is the following in the 13th of Elizabeth, a° 1571.

" At a Chapter in the thirteenth year of Queen Elizabeth, on the day after St. George, it was concluded and agreed, that the Knights of the same most noble Order shall go above all *other Knights*, and in the low Parliament House, shall sit above *all other degrees*, within the said House, *next* unto the *Treasurer* and *Comptroller* of Her Majesty's Household, bearing white staves."

ORDER OF THE THISTLE.

The Statutes are silent upon the subject of Precedency.

ORDER OF THE BATH.

By the Statutes ordained and established 23rd May 1725, at the revival of the Order, in pursuance of Letters Patent under the Great Seal dated 18th of the same month, it was declared by the Eleventh Article,

" That at all future Coronations and other solemnities, wherein Knights of the Bath have been heretofore usually created, all the Companions of this most honourable Order, for the time being, who, by reason of the honours and offices then enjoyed by them, may not be entitled to an higher degree of Precedency, shall enjoy the precedencies, and all other privileges whatever, *within* and *without* the Sovereign's Household, which have been heretofore allowed to any Knight of the Bath by ancient laws, usages, and customs of this realm, not only during the preparations for such solemnities, but while they are in performance, and likewise at *all other times and seasons;* and that the Wives of these Companions, and their Relicts during their widowhoods, with their Children, shall enjoy their ancient pre-eminences and all other rights in as ample manner as they were enjoyed under the reigns of any of our predecessors."

And by the first Article of certain Additions and Explanations declared to be part and parcel of the Statutes, under the Royal Sign Manual, bearing date 14th January following, it was decreed :

That upon all Collar days the Knights Companions for the time being shall have and enjoy the privilege of waiting upon the Royal person of the King, his heirs and successors, in all processions to and returns from the Royal Chapel, in a separate class by themselves, going two in breast when the Companions are fellows, otherwise single, according to the situation of their respective stalls; " and shall thus range and place themselves next to and immediately below Privy Councillors;" with permission however to such Companions who are or shall hereafter be entitled to an higher Precedency, by their Peerages, offices, or the eminencies of their births, to

place and range themselves, in such processions, according to the respective state or degree due to them by virtue thereof.

ESQUIRES OF THE BATH.—By the 15th Article of the Statutes, it is declared :

That the Esquires Governors and young Esquires shall "during the terms of their several lives enjoy all rights, liberties, privileges, exemptions, and advantages, which the Esquires of the Sovereign's body or the Gentlemen of the Privy Chamber do lawfully enjoy, or are entitled unto by virtue of any grant, prescription, or custom whatsoever : And the eldest Son of every of these Esquires shall have and use the addition and title of Esquire, in all acts, proceedings, and pleadings: Provided that all these Esquires, to be entitled to these privileges, shall have certificates of their qualifications before their respective admissions, and likewise an exemplification of their actual performing their duties upon the creation of any Knight or Knights of the Bath, attested by the Great Master, under the Seal of the Order."

EXTENSION AND ALTERATION OF THE ORDER, 1815.

In 1815 the Order was enlarged, and thenceforth declared to consist of three Classes. In the Gazette of 4th January 1815, certain Articles were promulgated respecting its new constitution, whereof the following refer to the subject of Precedency.

Art. 4. GRAND CROSSES.—The said Knights Grand Crosses shall be subject to the same rules and ordinances, and have hold and enjoy all and singular the rights, privileges, immunities and advantages which the Knights Companions of the said Order have hitherto held and enjoyed by virtue of the Statutes, excepting as far as may be altered or affected by the present decree.

Art. 11. KNIGHTS COMMANDERS—The second Class of the Most Honourable Military Order of the Bath shall be composed of Knights Commanders, who shall have and enjoy, in all future solemnities and proceedings, place and precedence before all Knights Bachelors of the United Kingdom, and shall enjoy all and singular the rights, privileges and immunities, enjoyed by the said Knights Bachelors.

Art. 16. COMPANIONS.—The third Class of the Most Honourable Military Order of the Bath shall be composed of Officers holding Commissions in His Majesty's service by sea or land, who shall be styled Companions of the said Order. They shall not be entitled to the appellation, style, precedence, or privileges of Knights Bachelors, but they shall take place and precedence of all Esquires of the United Kingdom of Great Britain and Ireland.

THE RE-CONSTITUTION OF THE ORDER IN 1847.

THE STATUTES of the Order of 1725 were by Letters Patent under the Great Seal, bearing date the 14th April, 10 Victoria (1847), revoked and abrogated, so far as they limited the number of Knights Companions, and declared the same to be exclusively a Military Order, and Her Majesty thereby reconstituted the Order under the Title of

THE MOST HONOURABLE ORDER OF THE BATH.

By the Statutes made for the regulation of the Order as newly constituted, the Statutes and Ordinances of the 23rd May 1725, together with all subsequent Statutes and Ordinances theretofore made (with certain exceptions) were *annulled, abrogated,* and *repealed,* for the purpose of establishing new Statutes and Ordinances. By the nineteenth Section whereof—

"It is ordained that in all solemn Ceremonials and in all other places and assemblies whatsoever, the Knights Grand Cross of this most Honourable Order shall have place and precedency next to and immediately after Baronets, and that the Knights Commanders of this Order shall have place and precedency of the Cavalieri and Companions of our most distinguished Order of St. Michael and St. George and before all Esquires of these our Realms; nevertheless we are pleased to declare that nothing contained in this Statute shall be taken or construed to diminish the privileges or precedency reserved in the seventeenth Statute* to the members of this most Honourable Order nominated or appointed previously to the date of these presents."

ORDER OF ST. PATRICK.

By the Royal Warrant creating the Society or Brotherhood to be called the Knights of the most illustrious Order of St. Patrick, bearing date 5th February, 1783, it is declared that,

"The said Knights being Commoners shall have rank and precedency *in all places* immediately after Barons' Eldest Sons, and that the Wives of the said Knights Companions shall in like manner, have rank and precedency immediately after the Wives of Barons' Eldest Sons, and *before all other inferior ranks.*"

By the same Warrant, the Lord Lieutenant of Ireland was authorized and required to cause Letters Patent to pass the Great Seal of Ireland for creating the said Society; and upon the death or resignation of any of the Knights, a Successor was to be elected in manner as directed by the Constitutions and Ordinances to be established under the Royal Sign Manual.

Certain Statutes and Ordinances for the government of the Order were subsequently declared under the Sign Manual of the Sovereign; but nothing occurs therein respecting the Precedency of the Knights.

The printed Statutes have prefixed to them a copy of the Royal Warrant, but not the Letters Patent. Upon a search in Ireland the Patent does not appear to be enrolled, although there can be little doubt of its having passed the Great Seal, as the Lord Lieutenant's fiat for its preparation exists. It is singular that a copy of the Letters Patent was not prefixed to the Statutes instead of the Royal Warrant.

ORDER OF ST. MICHAEL AND ST. GEORGE.

The Statutes of this Order, made in 1832 in pursuance of Letters Patent under the Great Seal dated 27th April 1818, contain the following clauses.

"We are pleased to declare and command, that in all solemn ceremonials and in all other places and assemblies whatsoever, the Knights Grand Cross of this Order, shall have place and precedency next to and immediately after the Knights Grand Cross of Our Most Honourable Order of the Bath, and that the Knights Commanders of this Order shall have place and precedency next to and immediately after the Knights Commanders of the said Most Honourable Order of the Bath; and with respect to such persons as have been honoured with the Insignia of the Third Class of this Most Distinguished Order

* On reference to the 17th Statute, there does not appear to be any privilege or precedency reserved to the members nominated previously to the date of the Statute in question.

previously to the date of these Statutes, we are pleased to declare and command that they shall continue to possess and enjoy the style, title, place, and precedency, and all other privileges and preeminences whatsoever which they at this present time possess by virtue of the before mentioned Statutes and Ordinances of our late Royal Father, bearing date the twelfth day of August one thousand eight hundred and eighteen, or by virtue of the Statutes and Ordinances of our late Royal Brother, bearing date the fifth day of April one thousand eight hundred and twenty six.* And it is our will and pleasure that such Natives of our Island of Malta and its Dependencies, or of the United States of the Ionian Islands, as We Our Heirs and Successors may hereafter deign to nominate to the Third Class of this Most Distinguished Order shall be styled 'Cavalieri;' but that in the event of the Third Class of this Order ever being conferred upon any Native of Great Britain or Ireland, such person shall be styled 'Companion' of the said Order. The 'Cavalieri' who may be hereafter nominated, and the Companions of this Most Distinguished Order, shall have place and precedency next to and immediately after the Companions of Our Most Honourable Order of the Bath."

---

* By those Statutes all Cavalieri were entitled to the appellation "Sir;" and such as were appointed before August 1832, if there is any one now living, are entitled to that appellation and to precedency before all Knights Bachelors within the United States of the Ionian Islands and the Island of Malta.

LONDON:
Printed by SAMUEL BENTLEY & Co.,
Bangor House, Shoe Lane.

69

THE BOUND TO PLEASE
Heckman Bindery INC.
FEB. 65
N. MANCHESTER, INDIANA